

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GEORGE PERROT,)	
)	Case No. 18-cv-10147-DPW
<i>Plaintiff,</i>)	
)	Hon. Douglas P. Woodlock,
v.)	District Judge
)	
THOMAS KELLY, <i>et al.</i>)	
)	JURY TRIAL DEMANDED
<i>Defendants.</i>)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE AN OVERSIZED RESPONSE TO
DEFENDANTS EUBANKS AND OAKES’S MOTION TO DISMISS AND
FOR AN EXTENSION OF TIME TO FILE HIS RESPONSE (ASSENTED TO)**

Plaintiff GEORGE PERROT, by his attorneys, LOEVY & LOEVY, pursuant to Local Rule 7.1, respectfully moves for leave to file an oversized response of 27 pages to Defendants Eubanks and Oakes’s motion to dismiss, Doc. Nos. 71 & 74, and for an extension of time to file that response up to and including September 14, 2018. In support of this motion, Plaintiff states as follows:

1. Defendants Eubanks and Oakes are former employees of the Federal Bureau of Investigation named in this suit in their individual capacities. Doc. No. 2. Plaintiff alleges that they contributed to his wrongful conviction and incarceration. *Id.*
2. After an unopposed 60-day extension of time to answer or otherwise plead, Doc. Nos. 44 & 45, Defendants Eubanks and Oakes filed an oversized memorandum of 27 pages in support of their motion to dismiss on August 10, 2018, Doc. Nos. 71-74.
3. Plaintiff’s response is currently due on August 24, 2018.

4. This Court previously denied other Defendants' motions to dismiss without prejudice and with leave to renew upon the filing of an amended complaint, which is due on October 5, 2018. *See* Doc. No. 67.

5. The motion filed by Defendants Eubanks and Oakes is lengthy and raises novel legal arguments that were not available to the other Defendants who filed motions previously.

6. Plaintiff's counsel has been working diligently on a response, but due to the complexity of the issues and other professional commitments the response cannot be completed adequately by August 24, 2018.

7. Other professional commitments in which Plaintiff's counsel have recently been engaged include: a response to summary judgment in *Todero v. Greenwood*, No. 17 C 1698 (S.D. Ind.), which was due on August 13, 2018; a brief in federal habeas proceedings in *United States v. Paylor*, No. 14 C 271 (D. Md.), which is also due on August 24, 2018; an opening brief in *Coleman v. Peoria*, No. 18-1742 (7th Cir.), which is currently due on September 14, 2018; and two briefs in opposition to petitions for certiorari in *Wise v. Hurt*, No. 17-1654, and *Vantlin v. Hurt*, No. 17-1655 (U.S. Supreme Court), which are due on September 14, 2018.

8. Accordingly, Plaintiff respectfully requests a three-week extension of time to file his response to Defendants Eubanks and Oakes's motion to dismiss, up to and including September 14, 2018. Because this case is at an early stage and the other Defendants may re-file motions to dismiss in October, this additional time should not delay the proceedings.

9. In addition, Plaintiff requests leave to file a brief of 27 pages, which will provide adequate space to respond to each of the arguments raised by Defendants Eubanks and Oakes.

10. Undersigned counsel certifies that on August 17, 2018, Plaintiff's counsel conferred with counsel for Defendants Eubanks and Oakes, who assent to this motion.

WHEREFORE, Plaintiff respectfully requests leave to file an oversized response of 27 pages to Defendants Eubanks and Oakes's motion to dismiss, Doc Nos. 71 & 74, and for an extension of time to file that response up to and including September 14, 2018.

RESPECTFULLY SUBMITTED,

GEORGE PERROT

/s/ Steven Art
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Steven Art, an attorney, hereby certify that on August 22, 2018, I filed PLAINTIFF'S MOTION FOR LEAVE TO FILE AN OVERSIZED RESPONSE TO DEFENDANTS EUBANKS AND OAKES'S MOTION TO DISMISS AND FOR AN EXTENSION OF TIME TO FILE HIS RESPONSE (ASSENTED TO) using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Steven Art
One of Plaintiff's Attorneys